

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 09.02.2018****CORAM****THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.10102 of 2011****and****M.P (MD) Nos.1 and 2 of 2011**

WEB COPY

N.J.J.P.Durai

... Petitioner

-vs-

1. The Secretary to the Government of India,
Ministry of Shipping,
Port Wing,
Transport Bhawan,
No.1, Parliament Street,
New Delhi - 110 001.

2. The Chairman,
V.O.Chidambaranar Port Trust,
Tuticorin.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the proceedings of the second respondent in Agenda Item No.16, dated 29.07.2011 vide his proceedings No.S-35/1/2010-E.1 and Resolution RESO No.33, (Agenda Item No.16) passed in the Ordinary Meeting No.2 of 2011-12 of the Board of Trustees held on 29.7.2011 with regard to the post of Fireman and quash the same as arbitrary and illegal and further to direct the respondents to select and propose the Petitioner's name for the post of Fireman in the above proceeding.

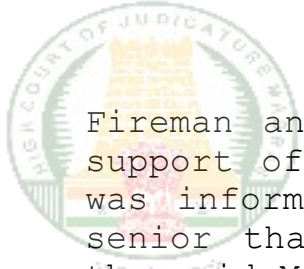
For Petitioner : M/s.P.Pethu Rajesh

For Respondent-2 : Mr.N.Satheesh Kumar

ORDER

The order of rejection, dated 29.7.2011 in respect of the claim of the Writ petitioner for appointment to the post of Fireman is under challenge in this Writ Petition. Further direction is sought for to direct the respondents to select and propose the Petitioner's name for the post of Fireman.

2.The Petitioner states that he has completed 12th standard in the year 1983 and further, passed Diploma in Population and Health Management by Distance Education in Annamalai University. The Writ Petitioner is an Ex-serviceman and working as temporary Male Dresser in Tuticorin Port Trust Hospital. The selection for the post of Fireman was conducted by the Port Trust and the Writ Petitioner has also participated in the selection process. However, the Writ petitioner was not selected and another senior-most Ex-serviceman namely Mr.Sankaran was selected for the post of



Fireman and appointed. Even in para 3 of the affidavit filed in support of the Writ Petition, the Writ Petitioner states that he was informed that one Mr.Sankaran, who is also an Ex-serviceman, senior than the Writ Petitioner was appointed. The seniority of the said Mr.Sankaran is not disputed by the Writ Petitioner at any point of time. Even in the present Writ Petition, Mr.Sankaran, who was appointed as Fireman was not impleaded as a party-respondent nor his order of appointment was challenged. Thus this Court is of an opinion that the Writ Petitioner has not made out any ground for grant of relief as such sought for in this Writ Petition. This apart, the process of selection can be challenged only if there is any irregularity, illegality or corrupt practices. In the present case on hand, one Mr.Sankaran was appointed as Fireman. The Writ Petitioner has not disputed his seniority. The learned counsel for the Petitioner states that another person namely Sundaraperumal was also appointed. The Writ petitioner has not disputed the order of appointment of these two candidates. In the absence of establishing any of the legal grounds, this Court is not inclined to consider the present Writ Petition.

3.Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to the Government of India,
Ministry of Shipping,
Port Wing,
Transport Bhawan,
No.1, Parliament Street,
New Delhi - 110 001.

2. The Chairman,
V.O.Chidambaranar Port Trust,
Tuticorin.

+1cc to Mr.P.Pethu Rajesh, Advocate Sr.No.47537

+1cc to Mr.C.Nandagopal, Advocate Sr.No.47526

+1cc to Mr.A.Arivu chandran, Advocate Sr.No.47991

VSN

VB/SKN/RSK/SAR2/23.02.2018/2P/6C

**W.P. (MD) No.10102 of 2011
and**

**M.P (MD) Nos.1 and 2 of 2011
09.02.2018**